

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**ANDRE EMMITT FIORENTINO,**  
**Petitioner,**

**v.**

**SUPERINTENDENT OF SCI**  
**HOUTZDALE, *et al.*,**  
**Respondents.**

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**CIVIL ACTION NO. 22-CV-3501**

**ORDER**

**AND NOW** this 28th day of February, 2024, upon careful and independent consideration of Petitioner Andre Emmitt Fiorentino’s Petition for Writ of Habeas Corpus (Doc. No. 2), the Response by the District Attorney of Chester County (Doc. No. 10), and the Report and Recommendation of U.S. Magistrate Judge Richard A. Lloret, to which no objections were filed, it is **ORDERED** that:

1. The Report and Recommendation of Magistrate Judge Richard A. Lloret [Doc. 14] is

**APPROVED and ADOPTED;**

2. Mr. Fiorentino’s Petition for Writ of Habeas Corpus is **DISMISSED** with prejudice.

by separate Judgment, filed contemporaneously with this Order. See Federal Rule of Civil Procedure 58(a); Rules Governing Section 2254 Cases in the United States District Courts, Rule 12;

3. No certificate of appealability shall issue under 28 U.S.C. § 2253(c)(1)(A) because

“the applicant has [not] made a substantial showing of the denial of a constitutional right[,]” under 28 U.S.C. § 2253(c)(2), since he has not demonstrated that “reasonable jurists” would find my “assessment of the constitutional claims debatable or wrong.”

Slack v. McDaniel, 529 U.S. 473, 484 (2000); see United States v. Cepero, 224 F.3d 256,

262–63 (3d Cir. 2000), abrogated on other grounds by *Gonzalez v. Thaler*, 565 U.S. 134 (2012); and

4. The Clerk of Court shall mark this file **CLOSED**.

**BY THE COURT:**

/s/ Jeffrey L. Schmehl  
**JEFFREY L. SCHMEHL, J.**